

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

for the
District of New Mexico

JUN 11 2015

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MATTHEW J. DYKMAN
CLERK

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Black 2000 Honda Accord
New Mexico license plate Number NGF476
VIN # 1HCGG1654YA092366

Case No.

15mc362

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Black 2000 Honda Accord bearing New Mexico license plate number NGF476 (VIN # 1HCGG1654YA092366)

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See attachment A

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 USC 922(g)(1)
21 USC 841(a)(1)

Offense Description
Possession of a Firearm and/or Ammunition by a Convicted Felon
Possession of a Controlled Substance with Intent to Distribute

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Erik Rutland

Applicant's signature

Erik Rutland, Special Agent - ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

June 11, 2015

City and state:

Albuquerque NM

Karen B. Molzen

Judge's signature

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

AFFIDAVIT FOR SEARCH WARRANT

1. Erik Rutland, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Special Agent (S/A) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been employed with ATF since May of 2001. In May of 1995, I graduated from New Mexico State University with a Bachelor of Arts Degree in English. Prior to being employed with ATF, I was a Special Agent for the United States Department of Health and Human Services – Office of Inspector General for approximately two years. Beginning in July of 2001, I attended a twenty-four (24) week ATF academy in Glynco, Georgia that certified me as an ATF Special Agent.
3. Through the ATF, I have received specialized training in the enforcement of federal firearms, explosives, and arson laws. My training and experience has involved, among other things: (1) the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the purchase, possession, distribution, and transportation of firearms and of the laundering and concealment of proceeds of firearms and drug trafficking; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) the legal and illegal purchase of firearms; (5) the execution of arrest and search warrants seeking firearms, narcotics, and DNA (6) and firearms trafficking to include a Title III wire interception investigation.
4. As a Special Agent with the ATF, I have conducted physical surveillance, interviewed sources of information and defendants, served and reviewed countless telephone and financial subpoenas, served search warrants and arrest warrants, investigated firearms and drug trafficking, National Firearms Act (NFA) violations, Hobbs Act violations,

conducted numerous undercover firearms and narcotic investigations, and intercepted wire communications. Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal firearms laws.

5. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18 and 26, United States Code.
6. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE VEHICLE TO BE SEARCHED

7. The vehicle to be searched is a 2000 Honda Accord, black in color, bearing New Mexico license plate number NGF476. The vehicle's Vehicle Identification Number (VIN) is 1HCGG1654YA092366.
8. The vehicle was sealed and towed from the scene of Lucas MALDONADO's arrest on June 10, 2015 and is currently located at Madrid Towing at 3310 San Ygnacio Road SW in Albuquerque, New Mexico.

PROBABLE CAUSE

9. On June 10, 2015, your Affiant was contacted by Bernalillo County Sheriff's Department (BCSD) Detective Jerry Koppmann and advised that he had received a tip that an individual (identified as Lucas MALDONADO) was currently residing near the intersection of Isleta Boulevard SW and Appleton SW in Albuquerque,

New Mexico. The tip further stated that Lucas MALDONADO was currently wanted for several felony warrants and that he distributing large amounts of methamphetamine in the Albuquerque area. BCSD Detective Koppmann ran Lucas MALDONADO through the National Crime Information Center (NCIC) and discovered that he had several felony warrants (including an outstanding Federal arrest warrant for violating 18 USC Section 922(g)(1) – Felon in Possession of a Firearm and Ammunition under case number CR14-4061JB.)

10. BCSD detectives began surveilling the residence where they believed Lucas MALDONADO was residing and they observed a male and female exit apartment B at 6100 Isleta Boulevard SW. ^{*}The male subject (who was later identified as Lucas MALDONADO) was placing objects into a black Honda Accord. One of the BCSD detectives drove by the residence and positively identified Lucas MALDONADO and other detectives moved in and took Lucas MALDONADO into custody a few feet away from the black Honda Accord.
11. BCSD detectives looked into the black Honda Accord and observed a black semi-automatic handgun in the center console (in plain view). BCSD Detective Koppmann called your Affiant and advised him that they had Lucas MALDONADO in custody. Your Affiant responded to the scene to assist. Your Affiant observed the black Honda Accord and saw the black semi-automatic handgun in plain view in the center console. Further, your Affiant observed a backpack and a black briefcase in the backseat of the black Honda Accord. The briefcase had "Ruckus" written on it which is a known street name for Lucas MALDONADO.

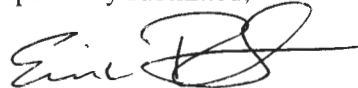
located approximately
** The apartment was 1 block from Isleta Blvd SW and Appleton SW corroborating the information received in the tip. EDR*
KBM

12. Your Affiant and ATF S/A Erik Haanes interviewed Lucas MALDONADO at the BCSD South Valley Substation. Prior to interviewing Lucas MALDONADO, your Affiant read Lucas MALDONADO his Miranda rights form ATF Form 3200.4 – Advice of Rights and Waiver. Lucas MALDONADO agreed to waive his Miranda rights and answer questions. Lucas MALDONADO advised your Affiant that he had borrowed the black Honda Accord from an unidentified male and when asked about the firearm he said that he could not admit to possessing a firearm. Lucas MALDONADO advised your affiant and S/A Haanes that he had been shot in the leg a week earlier in the “war zone.” Lucas MALDONADO further advised your Affiant that both the black briefcase and the backpack in the backseat of the black Honda Accord belonged to him.
13. Your Affiant had previously ran a query with the New Mexico Judiciary website using Lucas MALDONADO’s name and date of birth and found that Lucas MALDONADO was convicted of Aggravated Battery with a Deadly Weapon (Great Bodily Harm), False Imprisonment and Criminal Damage to Property under case number CR-200501140 and Conspiracy to Commit Burglary under case number CR-200704575. All of the convictions occurred in Albuquerque District Court; therefore, Lucas MALDONADO is a previously convicted felon.
14. Based on your Affiant’s training and experience, your Affiant knows that individuals who sell significant quantities of narcotics are frequently armed with firearms for protection against others attempting to rob the drug dealer of a quantity of cash and/or narcotics. Your Affiant also knows that individuals who sell narcotics frequently arm themselves with firearms to intimidate others and deter others from attempting to rob them of their cash and/or narcotics. Your

Affiant also knows that individuals who sell narcotics frequently possess firearms in the event the drug dealer is required to collect debt from other drug users and traffickers who have been supplied narcotics but failed to pay the negotiated price for the narcotics. Based on the above statements, your Affiant opines that Lucas MALDONADO was in possession of a firearm on June 10, 2015 as firearms are a necessary tool for narcotics dealers to protect themselves and their investments; in Lucas MALDONADO's case, the investments are narcotics and cash.

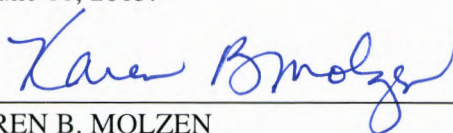
15. Based on your Affiant's training and experience, your Affiant also knows that drug dealers regularly maintain cash, narcotics, and firearms in their vehicles. Lucas MALDONADO admitting to borrowing the black Honda Accord from another individual and his personal effects were seen in plain view by your Affiant after his arrest on June 10, 2015.
16. Based on the above facts, your Affiant respectfully requests permission to search the black 2000 Honda Accord bearing New Mexico license plate number NGF476; in violation of Title 18 U.S.C 922(g)(1) and Title 21 U.S.C 841(a)(1).

Respectfully submitted,



Erik Rutland
Special Agent
ATF

Subscribed and sworn to before me
on June 11, 2015:



KAREN B. MOLZEN
CHIEF UNITED STATES MAGISTRATE JUDGE